

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

THE GENERAL CONFERENCE OF
SEVENTH-DAY ADVENTISTS

v.

MONTGOMERY COUNTY, ET AL.

*

*

*

*

*

*

Civil No. JFM-00-1024

MEMORANDUM

In a series of three letters, copies of which are attached hereto, counsel for the parties have advised the court that they are in agreement that this case is resolved by the Maryland Court of Appeals decision in Montrose Christian School Corp. v. Walsh. However, counsel for plaintiff has pointed out that the non-prevailing parties in the Montrose Christian School case have until August 13, 2001, to petition the United States Supreme Court for certiorari. Under these circumstances I will enter an order dismissing the case as moot but providing that the case will be immediately reinstated in the event that counsel for plaintiff advises the court on or before August 24, 2001, that the United States Supreme Court has issued a writ of certiorari in the Montrose Christian School case.


J. Frederick Motz
United States District Judge



OFFICE OF THE COUNTY ATTORNEY

Douglas M. Duncan
County Executive

Charles W. Thompson, Jr.
County Attorney

June 1, 2001

(Via First-Class Mail and Telecopier (410) 962-2698)
The Honorable J. Frederick Motz
United States District Court for the District of Maryland
101 W. Lombard Street
Baltimore, Maryland 21201

Re: The General Conference of Seventh-Day Adventists v. Montgomery County
Human Relations Commission, et al.
Civil Action No.: JFM-00CV1024

Dear Judge Motz:

I am writing in response to your correspondence dated May 29, 2001. My clients, Montgomery County Human Relations Commission, Montgomery County, Maryland, and the Montgomery County Council, agree that the Court of Appeal's decision in Montrose Christian School Corp. v. Walsh resolves this case. We contend that this case is moot.

If you have any questions or concerns regarding this matter, please feel free to contact me.

Sincerely,

CHARLES W. THOMPSON, JR.
COUNTY ATTORNEY

Clifford L. Royalty
Associate County Attorney

cc: James D. Cathell, Sr., Esquire (via telecopier (202) 452-1868)
Arthur B. Spitzer, Esquire (via telecopier (410) 625-3859)

I:\RS\ROYALC\General Conference=I=to Motz.2.wpd



NATIONAL CAPITAL AREA

ARTHUR B. SPITZER
LEGAL DIRECTOR

June 1, 2001
By Fax and Mail

Hon. J. Frederick Motz
United States District Judge
United States Courthouse
101 W. Lombard Street
Baltimore, MD 21201

Re: General Conference of Seventh-day Adventists v. Montgomery County
Human Relations Commission, et al., No. JFM-00-CV-1024

Dear Judge Motz:

Responding on behalf of defendant Carolyn Willis to your letter of May 29, 2001, it is our view that the Maryland Court of Appeals' decision in *Montrose Christian School Corp. v. Walsh* renders this case moot, and it should therefore be dismissed.

I understand that the plaintiff agrees that the *Montrose* decision disposes of this case, but believes it would be premature to dismiss this case until the time has expired for the plaintiffs in the *Montrose* case to file a petition for certiorari in the United States Supreme Court. I am also counsel for the plaintiffs in the *Montrose* case, and I know that there is no plan to file such a petition. I have consulted with the attorney representing the plaintiff in the companion case to *Montrose* (*Montrose Christian School Corp. v. Carver* (Md. Ct. Apps. No. 147, September Term, 1999)), and I understand that Ms. Carver also does not intend to file a petition for certiorari. Nevertheless, Ms. Willis has no objection to plaintiff's request that this case be stayed for 90 days and then dismissed as moot at that time if no petition for certiorari has been filed.

Respectfully,

A handwritten signature in black ink, appearing to read "Arthur B. Spitzer". The signature is stylized, with the first letters of the first and last names being prominent.

Arthur B. Spitzer
Attorney for Defendant Carolyn Willis

cc: James D. Cathell, Esq.
Clifford L. Royalty, Esq.

LAW OFFICES

BOULAND & BRUSH, LLC

SUITE 2400

6310 STEVENS FOREST ROAD
SUITE 100
COLUMBIA, MARYLAND 21046

201 N. CHARLES STREET
BALTIMORE, MARYLAND 21201-4105

300 FREDERICK ROAD
SUITE 100
CATONSVILLE, MARYLAND 21228

TEL: (410) 752-6000

(301) 585-1249 (WASH., D.C. AREA)

FAX: (410) 625-3859

JAMES D. CATHELL SR.
jim@boulandalaw.com

June 1, 2001

VIA HAND DELIVERY

The Honorable J. Frederick Motz
Garmatz Federal Courthouse
101 West Lombard Street
5th Floor, Room 510
Baltimore, Maryland 21201

Re: *The General Conference of Seventh-day Adventists v. Willis*
Case No. JFM-00CV1024

Dear Judge Motz:

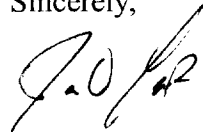
I am writing in response to your letter of May 29, 2001. My client, the General Conference of Seventh-day Adventists, agrees that *Montrose Christian School Corp. v. Walsh*, 2001 W.L. 360835 and its companion case, *Montrose Christian School Corp. v. Carver*, effectively resolves this matter.

However, we feel that it would be premature to take any action in reliance upon these cases at this time, pending the time running for the non-prevailing parties in these cases to petition the United States Supreme Court for *certiorari*. Mr. Spitzer represents one of those non-prevailing parties, and has assured me that he does not plan to petition for *certiorari*. However, he does not speak for the other non-prevailing party. Therefore, we request that you stay further proceedings in this matter until August 13, 2001, 90 days after the Maryland Court of Appeals issued its mandate. At that time, if no petition has been filed, we think it would be appropriate to dismiss this case, on the grounds that the issues raised in the Plaintiff's complaint are now moot. We will contact the United States Supreme Court on August 14, 2001 and verify whether or not a petition for *certiorari* has been filed and relay that information to the Court.

The Honorable J. Frederick Motz
June 1, 2001
Page 2

I am available for conference on this issue, at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "J.D. Cathell Sr.", with a stylized flourish at the end.

James D. Cathell Sr.
Attorneys for Plaintiffs

cc: Clifford L. Royalty, Esquire
Arthur B. Spitzer, Esquire